

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

939 CIVIL APPLICATION NO. 5831 OF 2017
IN FA/1486/2012

BAHIRU RANGNATH GUNJAL, DIED THR. L.RS. SUSHILA HARIBHAU
WAGH DIED THR LRS HARIBH
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Mahesh R. Sonwane
AGP for Respondent No. 1 : Mr. S.J. Salgare
Advocate for respondents No. 4 to 6 : Smt. Asha D. Rakh
Advocate for respondent No. 7 Mr. S.R. Bagal
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CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties. Despite service of notice none appears for respondent No. 2 - Acquiring Body as well as other respondents-original claimants.
2. Perused the application and relevant documents produced on record. Learned counsel submits that the deceased Appellant Sushila and co-appellant Sau. Kusum filed appeal against impugned judgment and award passed by learned Reference Court in LAR No. 213 of 1989. However, pending the appeal, Sushila breathed her last in the year 2015. The applicants are L.Rs. Of the deceased Sushilabai Wagh. The appellants produced the documents of succession certificate issued by Corporator as well as death certificate of the deceased appellant Sushila Wagh. The applicants also filed affidavit on record contending that they are only legal heirs of the deceased Sushila.
3. Considering the nature of subject-matter and submissions

on the part of applicants, there is no impediment to allow the applicants to pursue the present appeal being L.Rs. Of the appellant Sushila Wagh. Hence, application stands allowed. Abatement of the proceeding following death of appellant Sushila stands set aside and quashed. The delay caused in filing the present application is hereby condoned. The applicants are permitted to brought on record as an appellants being legal heirs of deceased appellant of Sushila Wagh. Accordingly, applicants to carry out necessary amendments in the title clause of the appeal memo within two weeks from today.

4. Accordingly, application stands allowed in above terms and the same stands disposed of.

Sd/-
[K. K. SONAWANE]
JUDGE

MTK.